

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS

Joel Mateo,

Plaintiff,

v.

University System of New Hampshire and  
Frances Canning,

Defendants.

Civil Action No.: 1:18-cv-11953-FDS

JURY TRIAL DEMANDED

**DEFENDANTS' MOTION TO DISMISS**

NOW COME the Defendants, University System of New Hampshire and Frances Canning ("Ms. Canning") (collectively, the "Defendants"), by and through their attorneys, Devine, Millimet & Branch, Professional Association, and hereby respectfully submit this Motion to Dismiss. In support of their Motion, Defendants state as follows:

1. The Plaintiff, Joel Mateo ("Plaintiff"), has filed a four (4) count Complaint arising from his withdrawal from the University of New Hampshire School of Law ("UNH Law") while under investigation for violating the school's code of conduct. The counts include a federal claim brought pursuant to 42 U.S.C. § 1983 for due process violations under the Fourteenth Amendment, and common law claims for defamation, negligent infliction of emotional distress, and intentional infliction of emotional distress.

2. The Defendants now move to dismiss the Complaint in its entirety for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

3. In the alternative, the Defendants move to dismiss the common law defamation claim for failure to state a claim upon which relief can be granted pursuant to Federal Rule of

Civil Procedure 12(b)(6), and request that this Honorable Court transfer this case to the District of New Hampshire pursuant to 28 U.S.C. § 1404(a).

4. In further support of its Motion, Defendants rely upon and incorporate herein by reference Defendants' Memorandum of Law in Support of Motion to Dismiss.

WHEREFORE, the Defendants respectfully request that this Honorable Court:

- A. Dismiss this Complaint in its entirety for lack of personal jurisdiction;
- B. Alternatively, dismiss the defamation claim for failure to state a claim and transfer the remaining claims the United States District Court for the District of New Hampshire pursuant to 28 U.S.C. § 1404(a); and
- C. Grant Defendants such other and further relief as this Court deems just and equitable.

Respectfully submitted,

UNIVERSITY SYSTEM OF  
NEW HAMPSHIRE and  
FRANCES CANNING

By their attorneys,

DEVINE, MILLIMET, & BRANCH  
PROFESSIONAL ASSOCIATION

Dated: October 30, 2018

By: /s/ Christopher Hawkins  
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**CERTIFICATE OF SERVICE**

I hereby certify that this pleading was served this day, via electronic transmission in accordance with the ECF filing procedures.

Dated: October 30, 2018

/s/ Christopher Hawkins

Christopher Hawkins, Esquire